



Setti D. Warren
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Telephone
(617)-796-1120

TDD/TTY
(617) 796-1089

Fax
(617) 796-1142

| | |
|--------------------------------|---------------|
| Public Hearing Date: | March 9, 2010 |
| Land Use Action Date: | May 11, 2010 |
| Board of Aldermen Action Date: | May 17, 2010 |
| 90-Day Expiration Date: | June 7, 2010 |

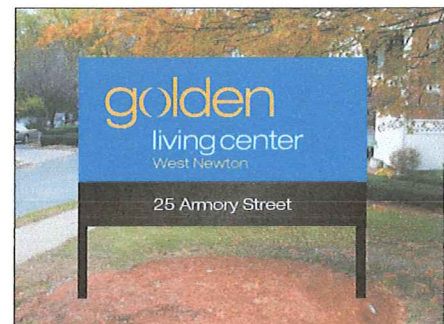
DATE: March 5, 2010

TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development
Benjamin Solomon-Schwartz, Senior Planner

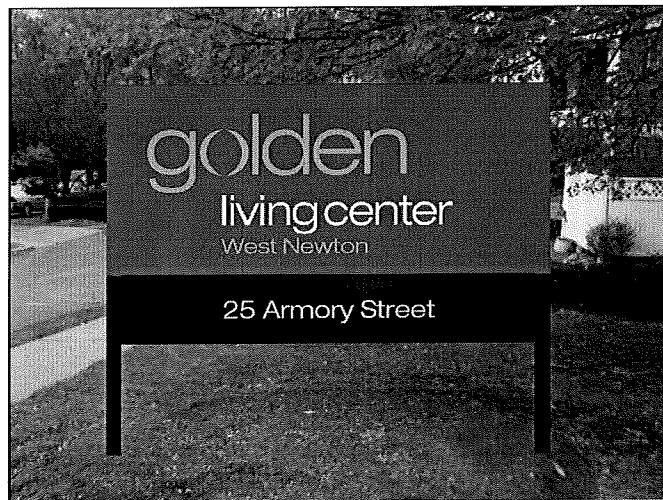
SUBJECT: #44-10 SIGN DESIGN/GPH WEST NEWTON, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a free-standing sign at the Golden Living Center at 25 ARMORY STREET, Ward 3, WEST NEWTON, on land known as Sec 31, Blk 7, Lot 23, containing approx 60,726 sf of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-20(f)(1) and (9) of the City of Newton Rev Zoning Ord, 2007 and special permit nos. 741-67, 264-68, and 16-90.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioners are proposing to install a 19.25-square foot free-standing sign in front of the Golden Living Center, a nursing home in West Newton (adjacent to the Trader Joe's). The petitioner wishes to replace the existing freestanding sign, which was erected without a sign permit. The sign would face the Trader Joe's building and the West Newton Armory. The petitioner must comply with all the conditions of existing special permit and ensure that all signs meet the requirements of the sign ordinance prior to receiving a building permit for this project.



*View of existing building and sign (above)
and proposed sign (below)*

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether a freestanding sign would be in the public interest given the nature of the use of the premises, the architecture of the building, or its location with reference to the street.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located in West Newton, on a one-block dead-end street north of Washington Street. It is located within a Business 2 District and is adjacent to the West Newton Trader Joe's and across Armory Street from the West Newton Armory (*SEE ATTACHMENTS "A" AND "B"*). The rear of the site abuts several single-family and two-family residences that are across Cheesecake Brook from the subject site.

B. Site

The 60,726 sq. ft. site currently contains a nursing home and its surface parking facility. The site slopes downwards along Armory Street towards Cheesecake Brook. The building was constructed by special permit #741-67 (extended by #264-68) in 1968. In 1990, the facility was expanded from 120 beds to 123 beds by special permit #16-90, which imposed additional conditions regarding landscaping and site design.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No change of use is proposed.

B. Building and Site Design

The existing building is a three-story brick building constructed in 1968 and is set back from all property lines. No new building construction is proposed. The petitioner proposes replacing an existing freestanding sign that was installed without a permit with a new sign on the southwest corner of the site. The



southwest corner is adjacent to the Trader Joe's building and the West Newton Armory, and the Planning Department believes that a 20 sq. ft. freestanding sign would be consistent with the character of the area. The petitioner also proposes to add an additional three sq. ft. directional sign that matches the design of the proposed freestanding sign.

The most recent special permit for this property, Board Order #16-90 (*ATTACHMENT "C"*), requires landscaping at various locations throughout the site. The current landscaping does not satisfy all the conditions of this special permit. The petitioner must either comply with all the conditions or request additional amendments to the approved site plan. Board Order #16-90 approved a site plan that includes a row of bushes along the northern boundary of the parking lot (parallel to Cheesecake Brook). These bushes are currently missing. ***The petitioner should install these bushes in the location noted in the 1990 plan. (NOTE: Installing bushes in this location adjacent to Cheesecake Brook may also require a permit from the Conservation Commission or a sign-off from the Conservation Commission staff.)***

The 1990 plan also requires a wooden stockade fence surrounding the dumpster. While a wooden stockade fence may have existing at one time, currently a tall concrete block wall surrounds the dumpster. In addition, it appears that the wall may have been erected without a building permit. ***The petitioner should either replace the wall with a wooden stockade fence or request an amendment to the site plan. In either case, the wall or fence requires a building permit from the Inspectional Services Division.***

C. Sign Design

The Urban Design Commission recommended approval of the proposed sign on September 16, 2009. Because the building is set back from the street and because the handsomely-designed sign is only 20 sq. ft. in area, the Planning Department concurs that this site is appropriate for a freestanding sign. However, several other signs on the site do not meet the standards of the proposed sign or the requirements of the Zoning Ordinance. There is an existing directional sign that exceeds the three sq. ft. limit set by the Zoning Ordinance. ***This sign must be removed and replaced with a sign that meets the definition of a directional sign to the approval of the Urban Design Commission and Planning Director.*** In addition there is a temporary sandwich board sign adjacent to the location of the proposed sign. ***The sandwich board sign must be removed as well.*** In addition, there are several confusing signs along Armory Street (a private way). While some signs indicate that there is to be no parking along either side of the streets, other older signs indicate handicap parking spaces. ***Because there are already three handicap parking spaces inside the lot proper, as required by the 1990 site plan, the handicap-parking signs along Armory Street should be removed in order to reduce confusion for drivers.***

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* does not discuss signage programs in the City.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated December 29, 2009 (*SEE ATTACHMENT "D"*), provides an analysis of the proposal with regard to Section 30-20. A special permit is required to install a freestanding sign in a business zone.
- B. Other Reviews. Reviews by the Engineering Department or Fire Departments are not required for the installation of a freestanding sign. There have been previous conservation filings regarding this property, so ***prior to applying for a building permit, the petitioner should provide a statement to the Conservation Commission staff describing construction procedures that will prevent soil from washing into the street and then into Cheesecake Brook.***

VI. ZONING RELIEFS SOUGHT

Based on the completed zoning review, dated December 29, 2009 (*SEE ATTACHMENT "D"*), the petitioner is seeking approval through or relief from:

- Section 30-20(f), to erect a free-standing sign
- Section 30-23, to amend the site plan approved through Board Orders #741-67, #264-68, and #16-90
- Section 30-24, for approval of special permit

VII. Summary of Petitioner's Responsibilities

At the public hearing, the petitioner should respond to the concerns of the Planning Department regarding the existing large directional sign, the concrete block wall, and vegetative screening adjacent to the parking lot.

In addition, prior to applying for a building permit, the petitioner should provide a statement to the Conservation Commission staff describing construction procedures that will prevent soil from washing into the street and then into Cheesecake Brook.

ATTACHMENTS

| | |
|---------------|---|
| ATTACHMENT A: | <i>Zoning Map</i> |
| ATTACHMENT B: | <i>Land Use Map</i> |
| ATTACHMENT C: | <i>Board Order #16-90</i> |
| ATTACHMENT D: | <i>Zoning Review Memorandum, dated January 11, 2010</i> |

Zoning Map

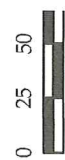
25 Armory St. and Vicinity

City of Newton,
Massachusetts

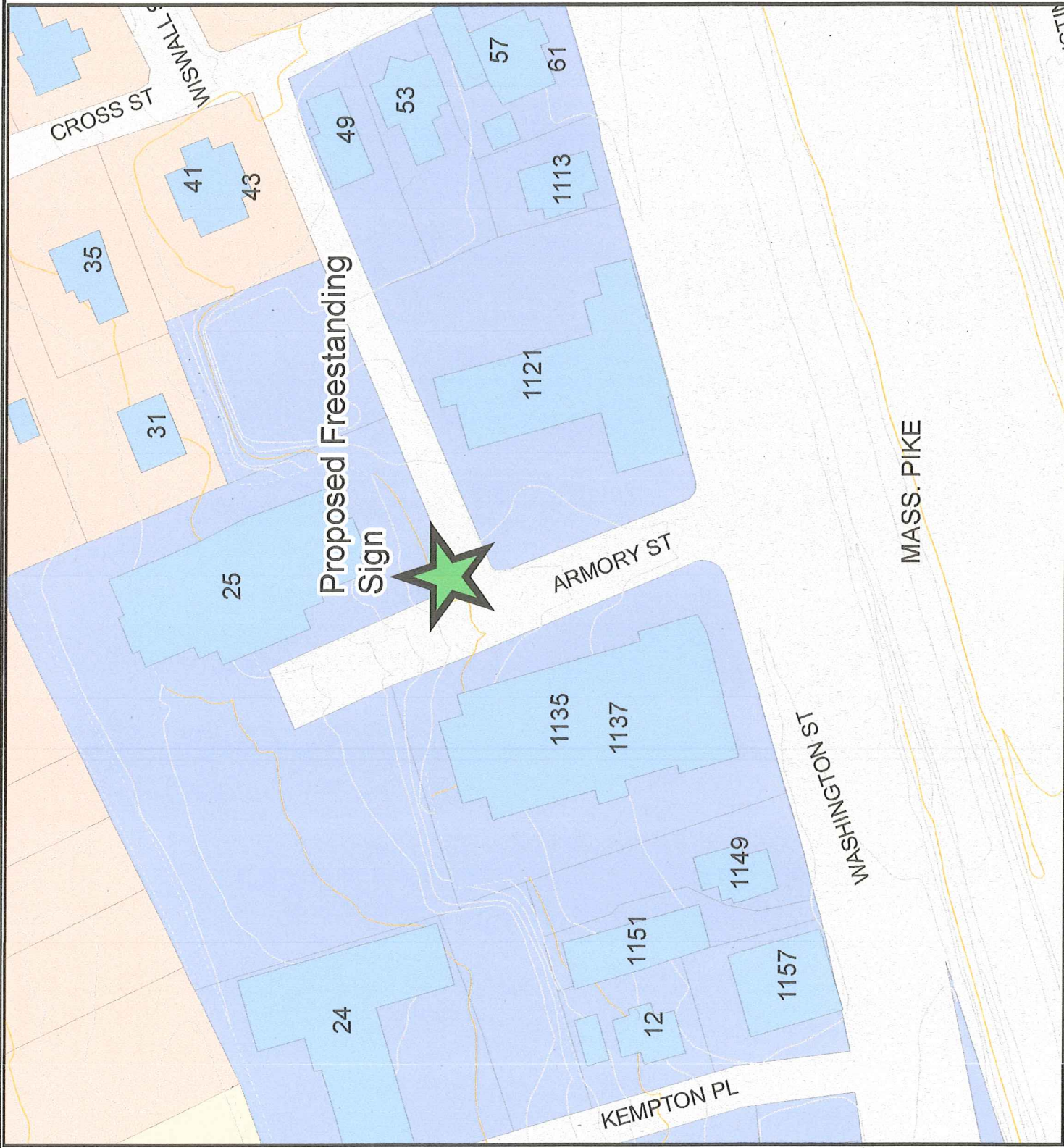
| Legend | |
|--------|-----------------------|
| | Building Outlines |
| | Single Res. 1 |
| | Single Res. 2 |
| | Single Res. 3 |
| | Business 1 |
| | Business 2 |
| | Business 4 |
| | Business 5 |
| | Limited Manufacturing |
| | Manufacturing |
| | Multi-Res. 1 |
| | Multi-Res. 2 |
| | Multi-Res. 3 |
| | Multi-Res. 4 |
| | Mixed Use 1 |
| | Mixed Use 2 |
| | OS/Rec. |
| | Public Use |
| | Surface Water |



The information on this Geographic Information System (GIS) map is for informational purposes only. It does not constitute a legal document. Each user is responsible for determining its suitability for their purpose. City departments may not approve applications based on this map.



MAP DATE:



Land Use Map

25 Armory St. and Vicinity

City of Newton,
Massachusetts

Legend

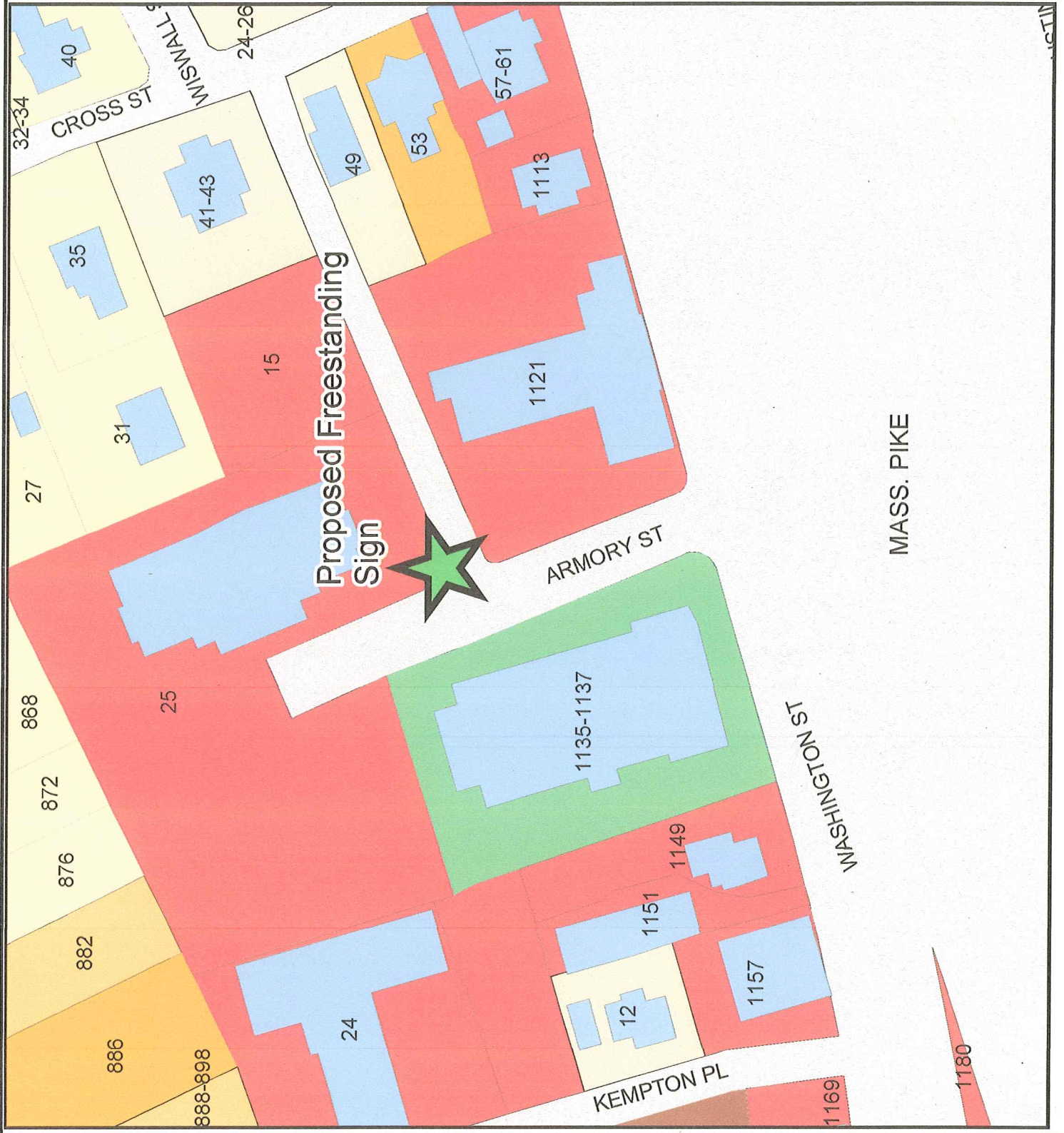
- Building Outlines
- Single Family Residential
- Two Family Residential
- Condominiums
- Other Residential
- Mixed Use
- Commercial
- Industrial
- Vacant Land
- Golf Course
- Open Space
- Private Educational
- Nonprofit Organizations
- Public Housing
- Tax Exempt
- Unspecified
- Surface Water



The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the information is responsible for determining its suitability for their own purposes. City departments may not approve applications based on this information.

0 25 50

MAP DATE: February 2018



#16-90

CITY OF NEWTONIN BOARD OF ALDERMEN

March 19, 1990

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted in accordance with the recommendation of the Land Use Committee and based upon the following specific findings, facts and conclusions, and the reasons given by the Committee therefor through its Chairman, Susan M. Basham:

1. The Board finds, that because of the increasing number of people aged 65 and over in Newton and because of the demand for nursing home beds in the City, there exists a significant need for nursing home beds and thus the additional three beds serve the public welfare and convenience.
2. There is no need to expand the building or change in any way the existing parking area. The site would be improved with landscape screening, a fence around 3 sides of the dumpster, and revised lighting.
3. Trash collection would be at limited hours.
4. The use would not adversely affect the neighborhood.

Petition number: 16-90

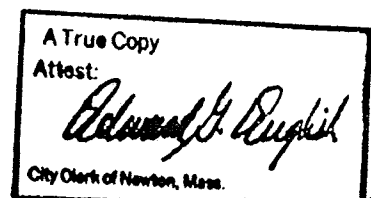
Petitioner: Beverly Enterprises - Massachusetts, Inc.

Location: 25 Armory Street, West Newton, Ward 3,
Section 31, Block 7, Lot 23, containing
approximately 60,726 square feet of land.

Owner: Beverly Enterprises - Massachusetts, Inc.

Address of Owner: 25 Armory Street
West Newton, MA 02165

To be used for: Nursing home - 123 beds



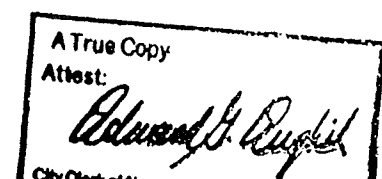
Construction: No new construction

Explanatory note: Board Order nos. 741-67 and 264-68 granted 120 beds. Petition seeks to amend these current board orders to allow the conversion of 3 special care beds to nursing beds for a total of 123 beds.

Land referred to is in: Business 2 District

Approved, subject to the following conditions:

1. That, except as amended below, the parking, drives, building, landscaping and other site features be consistent with and be located as indicated on the plan "Newton Convalescent Home 25 Armory Street, Newton MA, #SP1, dated 11 Jan. 90 by Morris Architects" submitted by the Petitioner.
2. That, except as amended, all conditions of Board Order nos. 741-67 and 264-68 remain in full force and effect.
3. That the private trash pickup be limited to between 9 AM and 5 PM.
4. That the present parking lot lighting be moved to the side of the parking lot abutting the brook.
5. That the fence surrounding the dumpster be maintained in good repair.
6. A final landscape plan including a landscape buffer containing a 5' Canadian hemlock and two 2 1/2" to 3" caliper ash trees, or similar materials approved by the Director of Planning and Development, along the side of the parking lot abutting the brook, and a 6' stockade fence on 3 sides of the dumpster and including lighting and fixture design, indicating the location, number, size and type of landscaping and landscape materials to be installed shall have been submitted to and approved by the Director of Planning and Development and a statement certifying such approval shall have been filed with the City Clerk and the Inspectional Services Department.

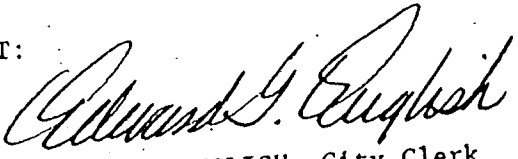


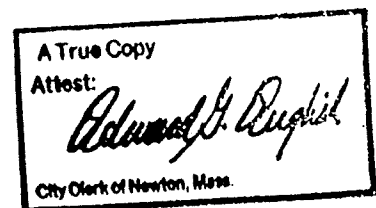
7. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
8. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
9. The petitioner shall have filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that Condition 1 has been complied with.
10. There shall have been filed with the City Clerk and the Inspectional Services Department a statement by the Director of Planning and Development approving the final location, number and type of plant materials, final landscape features, parking areas, and lighting installation.
11. That a new Certificate of Inspection be issued by the Inspectional Services Department.

Under Suspension of Rules
Readings Waived and Approved
21 yeas 0 nay 1 excused (Ald. Gentile)
2 absent (Ald. Baker and Coletti)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on March 19, 1990. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT and SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the Planning and Development Board and the City Clerk.

ATTEST:


(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen



Zoning Review Memorandum

Dt: December 29, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Chief Planner *AK*

Cc: Nicole Handricken, representing Sign Design and Golden Living Center
Michael Kruse, Director of Planning and Development
Ouida Young, Associate City Solicitor

Re: **Freestanding sign, Golden Living Center**

| Applicant: Golden Living Center | |
|--|--|
| Site: 25 Armory Street. | SBL: Section 31, Block 7, Lot 23 |
| Zoning: BU-2 | Lot Area: 60,726 sq. ft. |
| Current use: Assisted Living Center | Prop. use: Assisted Living Center |

Background:

The subject site is currently improved with an assisted living facility. There is an existing freestanding sign on-site for the Golden Living Center. However, a special permit was never sought nor approved for the existing sign. The proponents want to replace the existing sign with another sign very similar in size. The Urban Design and Beautification Commission has reviewed the proposed sign.

Administrative determinations

1. Sections 30-20(f)(1) and (9) permit freestanding signs in the BU-2 district with approval of a special permit from the Board of Aldermen.
2. Section 30-20(l) sets a limit on the size of a sign. The proposed sign does not exceed these limitations.
3. Zoning review provided hereby is limited to aspects pertaining to the Sign Ordinance only. See "Zoning Relief Summary" below.

| Zoning Relief Summary | | |
|------------------------------|---|------------------------|
| Ordinance | | Action Required |
| | Free Standing Sign | |
| §30-20(f)(1) and (9) | Approval to allow for a freestanding sign | SP per §30-24 |

Plans and materials reviewed:

- Sign plan titled "Golden Living Centers, 25 Armory Street, West Newton, MA," sated 3/2/07, revised 4/20/07, drawn by icon Identity Solutions, not signed